376.

SUPREME COURT OF THE UNITED STATES.

No. 114.

ALEXANDER LEVI, APPELLANT,

vs.

JOHN THOMPSON ET AL.

ON APPEAL FROM THE SUPREME COURT OF IOWA.

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J. & G. S. GIDEON, printers.

UNITED STATES OF AMERICA, *Territory of Iowa, ss:*

Pleas held before the supreme court in and for the Territory of Iowa, on the eleventh day of May, A. D. 1843.

Present, the honorable Charles Mason, chief justice; Joseph Williams, Thomas S. Wilson, associate justices.

An appeal from the decree of the district court of Dubuque county.

ALEXANDER LEVI, appellant,
against
JOHN THOMPSON, JAMES M. EMERSON, HANNIBAL EMERSON and JOHN G. SHIELDS, appellees.

Be it remembered, that heretofore, to wit, on the 8th day of May, 1843, the appellant filed, in the clerk's office of the supreme court, in and for the Territory aforesaid, the transcript of the record and proceedings had between the parties in the above entitled cause in the court below, in the following words and figures, to wit:

Transcript.

Pleas before the honorable Thomas S. Wilson, associate judge of the supreme court of Iowa Territory, and presiding judge of the third judicial district of said Territory.

Witness, Thos. S. Wilson, judge; Warner Lewis, clerk; George W. Cummins, sheriff.

TERRITORY OF IOWA, *Dubuque county:*

Be it remembered, that at the *time* of the district court of Dubuque county, began and held in the city of Dubuque, on the 1st day of May, A. D. 1843, the following proceedings were had, to wit:

Petition.

District court for the county of Dubuque, Iowa Territory, on the chancery side of said court, to February term, in the year of our Lord one thousand eight hundred and forty-three.

TERRITORY OF IOWA, *county of Dubuque, st:*

To the Hon. T. S. Wilson, judge third judicial district, *humbling* complaining, showeth unto your honor that your orator, Alexander Levi, of the county of Dubuque, and one John Thompson, of the same place, on the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and thirty-seven, received a certificate of pre-emption to town lot number sixty-eight, in the town of Dubuque, (now city of Dubuque,) by virtue and under the acts of Congress, laying the towns of Burlington, Fort Madison,

Dubuque, Bellvue, Peru, and Mineral Point. Said certificate is in the words and figures following:

"No. 43."

"DUBUQUE, 26*th October*, 1837.

We, the undersigned commissioners, under the act of Congress, approved March 3d, 1837, amendatory to the act entitled "An act for laying off the towns of Fort Madison," &c., approved July 2d, 1836, do hereby confirm unto Alexander Levi and John Thompson, as tenants in common, the right of purchase, by pre-emption, in lot No. 68, in the town of Dubuque, being of the first class, and containing $\frac{17}{100}$ths of an acre, for which he agrees to pay $6 80.

GEORGE CUBBAGE,
M. M. McCURVER,
WM. W. CONELL, *Commissioners.*

And your orator, further complaining, showeth unto your honor, that on the first day of April, in the year of our Lord one thousand eight hundred and forty, your orator, in the name of himself and John Thompson, entered the above described lot in the land office at Dubuque, the land office situate and being in the land district where said lot of land is situated, for which he, your orator, paid out of his own private funds the sum of six dollars and eighty cents, and for which he received a certificate of the receiver of the land office at Dubuque aforesaid, in the words and figures following, to wit:

"No. 7.

RECEIVER'S OFFICE AT DUBUQUE,
Iowa, April 1st, 1840.

Received from Alexander Levi and John Thompson, of Dubuque county, Iowa Territory, the sum of six dollars and eighty cents, being in full for lot sixty-eight, in the town of Dubuque, containing seventeen hundredths of an acre, at $40 per acre.

$6 80. THOS. McKNIGHT, *Receiver.*"

And your orator further showeth unto your honor, that said lot of land is situate, lying and being in the county of Dubuque, and in the city of Dubuque, on Main street, in said city, and is a lot of considerable value.

And your orator further showeth, complaining unto your honor, that he is informed, and believes it to be true, that John Thompson, the joint owner of the lot in question, did, on the eighth day of November, in the year of our Lord one thousand eight hundred and forty-one, sell and convey away by deed, some right, title, and interest to said lot, to James M. Emerson, Hannibal Emerson, and John G. Shields, who are now in the actual possession, to the entire *exclusive* of your orator.

And your orator further complaining, showeth unto your honor, that he has frequently applied to the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, to join and concur with your orator in making a fair, and just and equal partition of the said premises between them, in order that their respective shares and proportions thereof may be held, allotted, and enjoyed in severalty; and your orator well hoped, that the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, would have complied with such reasonable request, as in justice and equity it ought to have been; but now, so it is, may it please your honor, that the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, combining and confederating, to and with divers persons at present unknown to your orator, whose names, when discovered, your orator prays may be inserted herein, with apt words to charge them as parties defendants, *contributing* here to *insure* your orator in the premises, they, the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, absolutely refused to comply with such, your orator's reasonable request as aforesaid, pretending that your orator has no right whatever to said lot in question—whereas your orator charges, and so the truth is, that a fair, just, and equal partition of one-half of said lot belongs to him.

And your orator further complaining, showeth unto your honor, that the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, among themselves, have had the active use, and occupation, and possession of said lot from the thirty-first day of October, 1840, up to the time of filing this your orator's bill of complaint, and have never accounted to your orator for his share of the rents and profits of the same.

And your orator further complaining, showeth to your honor, that he is entitled to one-half of all the rents, from the said thirty-first day of October, in the year of our Lord one thousand eight hundred and forty, up to the time of filing this bill of complaint, from the defendants aforesaid.

And your orator further complaining, showeth to your honor, that the said premises leased or let for, and at the rate of, seven dollars per month, and he believes were worth that sum, and have been since the said thirty-first day of October, 1840.

And your orator further complaining, showeth to your honor, that the said defendants refuse to account to your orator for the rents, issue, and profits of said lot, pretending that said lot of land belongs to them absolutely, and that he, your orator, has no right to the same.

All which actings and doings, and pretences, and refusals, are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orator in the premises. In consideration whereof, and forasmuch as your orator can only have adequate relief in the premises in a court of equity, where matters of this na-

ture are properly cognizable and relievable—to the end, therefore, that the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, and their confederates, when discovered, may, upon the several and respective knowledge, remembrance, information, and belief, full, true, direct, and perfect answer make, to all and singularly the matters aforesaid, and that as fully and particularly as if the same were here repeated, and they, and every of them, distinctly interrogated thereto; and more especially that the said confederates may, in manner aforesaid, answer and set forth whether the said Alexander Levi and John Thompson did receive a certificate from the commissioners appointed to lay off the towns of Fort Madison, &c., as stated by him; whether Alexander Levi did enter the same in the land office at Dubuque, as also stated by him; how long they, the said defendants respectively, have occupied said premises, to the exclusion of Alexander Levi, without accounting to him for the rent of said lot? And that a commission of partition may be issued out of, and under the seal of, this honorable court, and directed to certain commissioners therein named, to divide and allot the said lot, together with the building thereon, may be conveyed or allotted to your orator; and that your orator may hold his part in severalty, and that all proper and necessary conveyances and assurances may be executed for carrying such partition into effect.

And further, that may be decreed to account to your orator for the rents and profits of said lot, from the said thirty-first day of October, 1840; and that your orator may have such further or other relief in the premises as the nature and circumstances of this case shall require, and to your honor shall seem meet.

May it please your honor to grant unto your orator a writ of subpœna, to be directed to the said John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, by commanding them, at a certain day, and under a certain penalty therein to be limited, personally to be and appear before your honor in this honorable court, and then and there full, true, and direct, and perfect answer to make to all and singularly the premises; and further, to stand to perform such order, direction, and decree, as your honor shall deem meet.

Your orator will ever pray, &c.

JOHN V. BERRY, *Solicitor.*

TERRITORY OF IOWA, *county of Dubuque:*

Alexander Levi, being duly sworn, says, that the facts set forth in the foregoing bill, upon his own knowledge, are true; and as to those facts set forth upon his information and belief, he believes true.

ALEXANDER LEVI.

Sworn and subscribed to before me, the 11th day of January, A. D. 1843.

WARNER LEWIS, *Clk. D. C.*

And this bill of complaint is endorsed as follows, to wit:

"W. LEWIS, esqr: You will please issue a subpœna in chancery on this case, according to law.

Yours, truly,

JOHN V. BERRY,

Solicitor for compl."

Filed January 11th, 1843.

WARNER LEWIS, *Clk. D. C.*

Whereupon the clerk of said court issued a subpœna in chancery, in the words and figures following, to wit:

Subpœna.

TERRITORY OF IOWA, *Dubuque county, ss:*

To the sheriff of said county, greeting:

In the name of the United States of America, you are hereby commanded to summon John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, if to be found within your county, to be and appear before the district court, in and for the county and territory aforesaid, on the first day of the next term thereof, to be holden in the city of Dubuque, in and for said county, on the first Monday in February, 1843, to answer the matters and things contained in a certain bill of complaint exhibited against them by Alexander Levi, on the chancery side of said court, as it is alleged.

Hereof fail not, and of this writ, and your services, make due return to our said district court, on the first day of the next term thereof.

Witness, the Hon. Thomas S. Wilson, judge of our said court, at Dubuque, this 11th day of January, A. D. 1843.

WARNER LEWIS, *Clk. D. C.*

Sheriff's return.

And upon the back of this subpœna there is an endorsement in the words and figures following, to wit: "Served the within subpœna, by reading and delivering attesied copies thereof to John Thompson, James M. Emerson and John G. Shields, and on Hannibal Emerson, by leaving an attested copy thereof, at his usual place of residence, with a person over the age of fifteen years, and explained the nature thereof, this 11th day of January, A. D. 1843.

GEO. W. CUMMINS, *Sheriff D. C.*"

And now, this sixth day of February, 1843, one of the aforesaid defendants, John Thompson, files a plea in the words and figures following, to wit:

Plea of John Thompson.

The plea of John Thompson, one of the defendants to the bill of complaint of Alexander Levi, complainant, exhibited against him in this honorable court.

This defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the said complainant's said bill mentioned to be true, in such manner and form as the same are therein and thereby set forth and alleged, doth plead thereunto, and for plea saith that, heretofore, one William Chilton and Joel Campbell instituted their suit in this honorable court, on the common law side thereof, in assumpsit, against the said John Thompson, and Alexander Levi the complainant, in which suit such proceedings were had that, heretofore, to wit, on the 23d day of August, 1839, the said Joel Campbell and William Chilton recovered, by the judgment and consideration of this court, the sum of seven hundred and eighty $\frac{51}{100}$ths dollars against the said John Thompson and Alexander Levi, together with their costs of suit in that behalf expended; upon which said judgment, on the 16th day of September, 1840, an execution was issued, in due form of law, out of the office of the clerk of this court, duly attested, directed to the sheriff of the county of Dubuque, in the Territory of Iowa, commanding him, in substance, as followeth, to wit:

"TERRITORY OF IOWA, *county of Dubuque, ss:*

To the sheriff of said county, greeting:

Whereas, by our writ of fieri facias, we lately commanded you that, of the goods and chattels, and for want thereof of the lands and tenements of John Thompson and Alexander Levi, you cause to be made the sum of seven hundred and eighty dollars and fifty-one cents, which Joel Campbell and William Chilton lately *recorded* in the district court against them in an action of trespass on the case on promises, as by the record of said court in this behalf appears; and you have made return upon said writ, that you had taken, by virtue thereof, the following property, to wit: 'Lot and house, in the town of Dubuque, and numbered sixty-eight on the government plat of said town, which said lot and house remains in your hands for want of time to sell.' And whereas there was a writ of injunction granted by the judge of said court, staying the proceedings of this judgment for the sum of two hundred and seventy-six dollars and seventeen cents, and ordering execution to issue for the balance of five hundred and five dollars and thirty-four cents, with interest thereon at the rate of six per centum per annum, from 23d day of August, A. D. 1839, together with twelve dollars and eighteen cents, costs of suit. Therefore, in the name of the United States of America, you are hereby commanded to expose to sale the said property, in form aforesaid taken, for the best price that can be obtained for the same,

as the law directs; and have you the said sum of five hundred and five dollars and thirty-four cents, with interest as above, together with the costs, ready on the first day of next term of said court, to be holden in the town of Dubuque, on the first Monday of November next. Hereof fail not, and make due return on the first day of the term of said court; which execution, duly attested, and thus issued afterwards, to wit, on the 17th day of September aforesaid, came to the hands of the said sheriff of Dubuque county, to be executed; by authority whereof the said sheriff did, on the 18th day of September, 1840, advertise in due form of law that he would, on the 31st day of October, 1840, at the door of the court-house, in the town of Dubuque aforesaid, proceed to sell said lot and house, in the town of Dubuque, No. 68 on the government plat of said town, to satisfy the execution aforesaid. Between the hours of 10 o'clock in the forenoon, and 3 o'clock in the afternoon, of said day, the said sheriff exposed said house and lot to public sale, to the highest bidder for ready money, to satisfy the execution aforesaid, when the said John Thompson, being the highest and best bidder therefor, for the price and sum of five hundred and seventy-five dollars, the same was struck down to him as the purchaser thereof.

And the said John Thompson having paid and satisfied to the said sheriff the said sum of five hundred and seventy-five dollars, he executed to the said John Thompson a deed to said lot No. 68, and house thereon, which is the same house and lot in complainant's bill mentioned, in due form of law, conveyancing the same to him, and his heirs and assigns forever, in full property; all of which, by the records of this court, and by said executions returned into the court, and now on the files of this court, with the sheriff's returns on said executions, reference being thereto had, will fully appear; and the said John Thompson has here in court, ready to be produced to this court, the said deed of said sheriff to him, signed by the said sheriff, and sealed with his seal, bearing date the 24th day of December, 1840; all which matters and things this defendant doth aver to be true, and pleads the same to the whole of said bill, and humbly demands the judgment of this honorable court whether he ought to be compelled to make any answer to the said bill of complaint; and humbly prays to be hence dismissed, with his reasonable costs in this behalf most wrongfully sustained.

Filed in open court, February 7th, 1843.

DAVIS & CRAWFORD,
Sol'rs for Defendant."
WARNER LEWIS, *Clerk D. C.*

Answer of James W. Emerson, Hannibal Emerson, and John G. Shields.

Also, on the 7th day of February, A. D. 1843, James M. Emerson, Hannibal Emerson, and John G. Shields, three of the afore-

said defendants, filed in open court their answers, in the following words and figures, to wit: "The joint answers of James M. Emerson, Hannibal Emerson, and John G. Shields, to the bill of complaint filed against them by Alexander Levi.

These defendants, saving and reserving to themselves all benefit of exceptions to the many uncertainties and insufficiencies, and untruths, in said bill of complaint contained, for answer thereto, or unto so much and such parts thereof as they are advised it is necessary or material to make answer unto, they answer and say, that to so much of said bill as sets out the title of the complainant, and of the use and occupation of the property, they have no personal knowledge thereof, but suppose the same may have been as the said complainant in his said bill has stated.

They further answering state, that heretofore, to wit, on the 8th day of November, 1841, they purchased the said lot and premises from John Thompson, their co-defendant, for the price and sum of fifteen hundred dollars, one half of which was paid down at the time of the purchase, and the other half paid one year thereafter. These defendants state, that when they proposed buying said property from the said John Thompson, they were informed by him, and so supposed the fact to be, that the said Thompson had a full and perfect right thereto, free of all incumbrances and of all claim by any other person or persons, and they annex hereto a copy of the deed from said Thompson to them of the property aforesaid, which they here refer to, and pray the same may be taken as part of their answer. And they have the original deed here in court ready to be produced, as may be required of them.

They further answering state, that at the time of their purchase aforesaid, and at the time of making the payments aforesaid to the said John Thompson, they were utterly ignorant of any title or claim to said property being in the said Levi, or that he set up or pretended to have any title or claim to the same. The first notice they had of any such claim by him was about three weeks since, when said Levi sent them word that he desired them to make a division of said property with *them*. They state that, at the time of said purchase, there was a small log house upon the same, of little or no value to them, and which they have torn down and removed.

They further state, that they went into the quiet and peaceable possession of said property at the time of the purchase, and have so remained in the possession thereof ever since, and that since their said purchase, they have made lasting and valuable improvements upon said property, on which they have expended about the sum of four thousand dollars. That said improvements are mainly situated on the southern half of said lot. They further state, that a considerable part of the time that they have been making said improvements, the said Levi has been in the city of Dubuque, and they believe must have observed them, as he frequently passed and

repassed this said lot, and never informed them of his having any claim to the same, except as herein before stated.

Without this, that any other matter or thing in said bill contained, not herein or hereby well and sufficiently answered unto, confessed or avoided, traversed or denied, is true; and they pray hence to be dismissed with their reasonable costs.

JAMES M. EMERSON.
DAVIS & CRAWFORD,
Sol'rs for Defendants.

James M. Emerson, one of the above named defendants, states that the facts in the foregoing answer, so far as stated from his own knowledge, are true, and so far as stated from the information of others he believes them to be true.

JAMES M. EMERSON.

Sworn and subscribed to before me, in open court, February 7th, 1843. WARNER LEWIS, *Clerk D. C.*

Subjoined is a copy of the deed herein before alluded to, in the words and figures following, to wit:

Deed.—John Thompson to Ja's M. Emerson, Hannibal Emerson, and John G. Shields.

This indenture, made this 8th day of November, 1841, between John Thompson, and Mary Jane his wife, of the county of Dubuque, and Territory of Iowa, of the one part, and James M. Emerson, Hannibal Emerson, and John G. Shields, of the county and territory aforesaid, of the other part, witnesseth: that the said John Thompson and his wife, for and in consideration of the sum of fifteen hundred dollars ($1,500,) to them in hand paid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey, and confirm unto the said James M. Emerson, Hannibal Emerson, and John G. Shields, their heirs and assigns forever, all that lot, tract, or parcel of land situate and being in the city of Dubuque, in the county and territory aforesaid, known as lot No. (68) sixty-eight, on the northwest corner of Main street and Fourth street, as designated on the plat of said city, and bounded east by said Main street, south by said Fourth street, west by an alley, and north by the legal representatives of Patrick O. Mard, deceased, and containing seventeen hundredths of an acre, together with all and singular the appurtenances thereunto belonging, or in anywise appertaining; to have and to hold the above described lot of land, with all its appurtenances unto the said James M. Emerson, Hannibal Emerson, and John G. Shields, his heirs and assigns forever. And the said John Thompson, and Mary Jane his wife, do hereby warrant, and forever defend the title hereby conveyed in and to said lot against all claims whatsoever; and we do further covenant for ourselves, and heirs, that if the said James M. Emerson, Hannibal Emerson, and John G. Shields, their heirs or assigns, shall at

any time be *elicited* by a better title, we or our heirs shall refund unto the said James M. Emerson, Hannibal Emerson, and John G. Shields, their heirs or assigns, the purchase money aforesaid, with damages and interest from the date hereof, as well as the value of all improvements which they or their heirs shall make thereon.

In testimony whereof, we, the said John Thompson, and Mary Jane his wife, have hereunto set our hands and seals, this day and year aforesaid.

(Signed,) JOHN THOMPSON, [SEAL.]
MARY JANE THOMPSON. [SEAL.]

Signed, sealed, and delivered in presence of
CHA'S CORKEY, and
BENJAMIN RUPERT.

Filed in open court, February 7th, 1843.
WARNER LEWIS, *Clerk D. C.*

Final decree of the district court.

And now, at the May term of the district court of said county, to wit, on the fourth day of May, A. D. 1843, the following proceedings were had, to wit:

ALEXANDER LEVI
vs.
JOHN THOMPSON, JAMES M. EMERSON, JOHN G. SHIELDS, and HANNIBAL EMERSON. } In chancery.

And now, at this day, came the parties aforesaid, and the court being sufficiently advised respecting the matters contained in said petition, and the plea and answer filed thereto, are of the opinion, and so find the matters contained in said plea and answer to be a sufficient bar to the relief prayed thereby.

It is therefore ordered, adjudged, and decreed, that the said petition be dismissed, and that the defendants *and* recover their costs about their defence in this behalf expended.

Thereupon the attorney for complainant prayed an appeal to—Supreme Court, which is granted upon the plaintiff's filing bond.

TERRITORY OF IOWA, *Dubuque county, ss:*

I, Warner Lewis, clerk of the district court of said county, do hereby certify the foregoing to be a true, full, and complete transcript of all the records and files of the above cause, wherein Alexander Levi is the complainant, and John Thompson, James M. Emerson, John G. Shields, and Hannibal Emerson are respondents, as appears in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Dubuque, this 6th day of May, A. D. 1843. [SEAL.]

WARNER LEWIS, *Clk. D. C.*

Endorsed, Filed May 8th, 1843.
Teste: GEO. S. HAMPTON, *C. S. C.*

And afterwards, to wit, at a supreme court continued and held in and for the Territory of Iowa, at Iowa city, on the 10th day of May, 1843:

ALEXANDER LEVI, Complt.,
against
JOHN THOMPSON, et al., Defts.

An appeal in chancery from a decree of the district court of Dubuque county.

Order submitting cause.

This day this cause came up for hearing; and the court, having heard the arguments of counsel on both sides, took the same under advisement.

And afterwards, to wit, at the said supreme court continued and held as aforesaid, on the 11th day of May, 1843:

ALEXANDER LEVI, Complt.,
against
JOHN THOMPSON, et al., Defts.

An appeal from the decree in chancery of the district court of Dubuque county.

Final decree.

This day came the parties aforesaid, by their solicitors, and this cause now coming on for further hearing, and the court being now sufficiently advised of and concerning the premises, do affirm the decree of the court below.

It is therefore decreed and ordered, that the complainant's bill herein be dismissed, and that the defendants recover of the complainant the costs by them about their defence herein expended, as well in the court below as in this court, and that an execution issue therefor.

Appeal prayed.

And thereupon the said complainant prayed an appeal from the decree aforesaid, to the Supreme Court of the United States, which is granted him upon his entering into bond, with approved security, in the penal sum of two hundred dollars, conditioned as required by law. And the said complainant also filed an affidavit, that the property in controversy in this suit exceeds in value one thousand dollars.

The affidavit, referred to in the foregoing order, is in the words and figures following, to wit:

Affidavit.

TERRITORY OF IOWA, *county of Johnson:*

Supreme court of Iowa Territory, January term, to the adjourned term in May, 1843.

ALEXANDER LEVI
vs.
JOHN THOMPSON, JAMES M. EMERSON, HANNIBAL EMERSON, JOHN G. SHIELDS. } In chancery.

Be it known that I, Alexander Levi, do hereby affirm and swear, that the value of the property in controversy in the foregoing suit in chancery exceeds one thousand dollars.

Dated at Iowa city, this 11th day of May, 1843.

A. LEVI.

Subscribed and sworn to before me, in open court, May 11th, 1843.

GEO. S. HAMPTON,
Clk. Sup. Court I. T.

Endorsed—Filed May 11th, 1843.
Teste : GEO. S. HAMPTON, *C. S. C.*

The following appeal bond was filed herein, to wit:

Appeal bond.

Know all men by these presents, that we, Alexander Levi and Timothy Mason, of the county of Dubuque, Iowa Territory, are held and firmly bound unto John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields, in the penal sum of two hundred dollars, and for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly and jointly, by these presents.

Sealed with our seals, and dated this 29th day of May, 1843.

The condition of this obligation is such, that whereas the said Alexander Levi has appealed from the decision of the supreme court of Iowa Territory, in a certain cause in chancery, wherein he is plaintiff, and John Thompson, James M. Emerson, Hannibal Emerson, and John G. Shields are defendants, to the Supreme Court of the United States; now, if the said Alexander Levi shall pay all costs and charges which may accrue by such appeal, then this obligation to be void; otherwise, to be of full force and effect.

A. LEVI, [L. S.]
TIMOTHY MASON. [L. S.]

Endorsed—I approve of the within bond, May 29th, 1843.

T. S. WILSON,
Judge Third Jud. Dist. I. T., and Ass. Jud. Sup. Ct. I. T.

Filed and approved by me, this 3d day of June, 1843.
Teste : GEO. S. HAMPTON, *C. S. C.*

UNITED STATES OF AMERICA,
Territory of Iowa, ss:

I, George S. Hampton, clerk of the supreme court in and for the territory aforesaid, do hereby certify, that the foregoing twenty-three pages, hereto attached, contain a full, true, and complete transcript of the record and proceedings had between the parties therein named, as full, true, and complete as the same remain of record or on file in my office.

In testimony whereof, I have hereunto set my name, and affixed the seal of the said supreme court, at Iowa city, this 29th day of June, 1843.
[SEAL.]

GEO. S. HAMPTON,
Clk. Sup. Ct. I. T.

Fees for this transcript.

5175 words, at 15 cts. per 100, - - - -	$7 76
Certificate and seal, - - - - -	37½
	$8 13½

Filed,